

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

Angela Macey-Cushman, as guardian for
the minor, O.M.,

Plaintiff,

v.

TACOMA SCHOOL DISTRICT NO. 10; a
public corporation; MEGAN CLARK,
individually; SANDRA HOLMES,
individually; MELISSA PORTER,
individually; STEVEN HOLMES,
individually; JANE AND JOHN DOES 1-7,

Defendants.

NO. 3:21-cv-05865-TMC

ORDER GRANTING STIPULATED
MOTION FOR RELEASE OF
DEPENDENCY RECORDS UNDER
PROTECTIVE ORDER

NOTE ON MOTION CALENDAR:
August 15, 2024

THIS MATTER came before the Court on a stipulated motion by all parties to this action
("the Parties").

THE COURT has considered the briefing submitted in support of said motion.

THEREFORE, the Court finds:

1. Records pertaining to the Plaintiff in the possession of the Georgia Department of Human
Services (the Department) are not available for public inspection, and these records may

1 contain information confidential or privileged under 45 CFR 164 (HIPAA) and O.C.G.A.
2 §49-5-40(b), in addition to the personal information for individuals other than Plaintiff.

- 3 2. That some documents in the Department's file for Plaintiff are likely to lead to the
4 discovery of admissible evidence in this case, and some of the documents in that file may
5 contain confidential information regarding other persons who are not parties to this
6 lawsuit.

7 ACCORDINGLY, THE COURT ORDERS:

- 8 1. The Stipulated Motion for Release of Dependency Records Under Protective Order is
9 granted.
10 2. The Department shall produce the files no later than August 22, 2024, using the URL for
11 secure electronic upload that the Parties have provided for transmission.

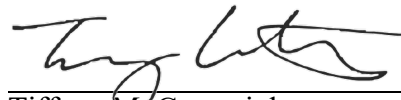
12 The above listed files shall be produced under the following conditions:

- 13 1. The contents and/or existence of the aforementioned documents and files and any part
14 thereof or therein shall not be disclosed in any manner or form to any person and/or entities
15 other than the parties, the parties' attorneys and law firm staff, the parties' insurers, experts
16 retained by the parties' attorneys, their staff, and individuals otherwise entitled to obtain
17 said information pursuant to statutory exemptions from confidentiality and other
18 individuals as herein provided.
19 2. The parties shall be allowed to use the aforementioned documents or information in
20 depositions of Plaintiff, Defendants, social workers, county employees, medical doctors,
21 psychologists, nurses, counselors, health care providers, teachers/school counselor, and
22 other persons named or identified in any of the aforementioned documents or in consulting
23 with any expert witnesses in this case, subject to the conditions set forth in this Protective
24 Order.
25

- 1 3. Counsel for the parties shall use all documents and information produced or disclosed
2 pursuant to this Protective Order solely for the purpose of preparation for and trial of this
3 action. Under no circumstances shall information or materials covered by this Order be
4 disclosed to anyone other than as provided in this Order.
- 5 4. Prior to introducing as evidence or otherwise disclosing to a jury the existence of any of
6 the aforementioned information or documents, a hearing shall be held outside the presence
7 of the jury wherein the court will determine the admissibility of the aforementioned
8 information or documents.
- 9 5. At the conclusion of the proceedings in this action, including any appeal, all documents
10 and information subject to this Order, including any copies or summaries thereof, or
11 documents containing information taken therefrom, shall be destroyed by the party having
12 such documents. A copy of this Order shall accompany any copy of the discovery records
13 or information protected by this Order and released to anyone. No attorney or expert shall
14 disclose any information gained or derived from the aforementioned records to anyone
15 without further order of the court unless the person to whom the information is disclosed
16 is otherwise entitled to obtain said information pursuant to this Protective Order or to
17 statutory exemptions from confidentiality.
- 18 6. Notwithstanding this provision, counsel are entitled to retain one archival copy of all
19 documents filed with the court, trial, deposition, and hearing transcripts, correspondence,
20 deposition and trial exhibits, expert reports, attorney work product, and consultant and
21 expert work product, even if such materials contain confidential material.
- 22 7. The Protective Order shall remain in full force and effect until such time as this Court
23 modifies its terms or releases the parties from its provisions.
24
25

1 IT IS FURTHER ORDERED that pursuant to Fed. R. Ev. 502(d), the production of any
2 documents in this proceeding shall not, for the purposes of this proceeding or any other federal or
3 state proceeding, constitute a waiver by the producing party of the attorney-client privilege or the
4 attorney work-product privilege.

5
6 DONE IN OPEN COURT this 16th day of August, 2024.

7
8 
9 Tiffany M. Cartwright
10 United States District Judge

11 PRESENTED BY:

12 PREG O'DONNELL & GILLETT

13 s/ Naomi Ahsan

14 Mark F. O'Donnell, WSBA #13606
15 Naomi Ahsan, WSBA #58667
16 Counsel for Tacoma School District

17 KEATING BUCKLIN & McCORMACK

18 s/ Shannon Ragonesi

19 Shannon M. Ragonesi, WSBA #31951
20 Rakiah Adams, WSBA #58799
21 Attorney for Defendant Sandra Holmes

22 WOOD, SMITH, HENNING & BERMAN

23 s/ Josephine Meyers

24 Timothy J. Repass, WSBA #38373
25 Josephine F. Meyer, #58736
Attorneys for Estate of Steven Holmes

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1 PFAU COCHRAN VERTETIS AMALA

2 By s/ Andrew Ulmer

3 Darrell L. Cochran, WSBA #22851

4 Kevin M. Hastings, WSBA #42316

5 Andrew Ulmer, WSBA #51227

6 Attorneys for Plaintiff

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